

REMARKS

Claims 1-57 are currently pending. Claim 57 has been added and does not include new matter. The elements of claim 57 can be found, for example, in claim 30.

Claim Rejections –35 USC § 112

Claim 4 has been amended to remove the term “selectively”.

Claim 14 recites the limitation “a second, substantially orthogonal, direction” and “a third direction substantially orthogonal.” The term “substantially” is often used in conjunction with another term to describe a particular characteristic of the claimed invention. M.P.E.P. 2173.05(b).

Claim 14 has been amended to have proper antecedent basis for the center of gravity.

Claim 20 recites the screw for the second motor. Claim 16 provides proper antecedent basis by introducing a screw for each motor.

Claim 39 has been amended to provide proper antecedent basis for “the clevis”

Applicant respectfully request that all the 112 rejections be withdrawn based on the above amendments and remarks.

Claim Rejections –35 USC § 102

Independent Claim 1

Claim 1 has been amended to recite, “during assembly of the device, the frame and said second motor are not supported with respect to one another until said housing encasing the device is assembled on and connected to the frame and the second motor whereupon the second motor is rendered capable of pivoting the frame in the housing.” Troester describes a marking device having a housing 50 that serves to encase the marking device itself. However, Troester housing does not support the frame and second motor with respect to one another. Troester’s marking device as shown, for example, in Figs 1 and 2, functions without housing 50. Using housing to support the frame and second motor with respect to one another has advantages. For example, because applicant’s housing

serves as Troester's base frame 29 is not required. We submit that for this reason alone, Troester does not anticipate or render obvious, the features of independent claim 1.

Because claims 2, 3, 7, and 49-51 depend from claim 1, we submit that these claims are patentable over the cited art for at least the same reason that independent claim 1 is patentable.

Independent Claim 14

Claim 14 has been amended to recite, "wherein recoils of the marking head when the stylus is driven by said drive means do not cause moments about said centre of gravity." We note, however, that Troester does not describe or suggest a marking device with a recoil of the marking head by said driving means that do not cause moments about the center of gravity. Among other advantages, by arranging the marking head to be operating in a plane coincident with the center of gravity, moments caused by recoils from the marking head minimized. This enables a user to more easily maintain the marking device in a fixed location. Troester is completely silent about the center of gravity of his marking device and, to the extent that its center of gravity can be deduced from the figures of his patent, it is well below the line of impacts of his marking head 14. We submit that for this reason alone, Troester does not anticipate or render obvious, the features of independent claim 14.

Because claims 15, 23, and 24 depend from claim 14, we submit that these claims are patentable over the cited art for at least the same reason that independent claim 14 is patentable.

Independent Claim 30

Claim 30 recites "wherein said motors are disposed substantially within the confines of the frame." Troester does not disclose the motors defined within the confines of the frame. Troester's Figure 1 discloses the motor 18 extending outside the confines of the frame 28. Troester does not disclose or suggests the motors being within the confines of the frame as independent claim 30 recites. We submit that for this reason alone, Troester does not anticipate or render obvious, the features of independent claim 30.

Because claims 31 and 41 depend from claim 30, we submit that these claims are patentable over the cited art for at least the same reason that independent claim 30 is patentable.

Independent Claim 56

Claim 56 has been amended to recite, "during assembly of the device, the housing mechanically and operatively couples the frame to the second motor whereupon the second motor is rendered capable of pivoting the frame in the housing." As previously discussed in claim 1 Troester's housing encases the device but does not form an integral component. Troester's device could function without the casing and does not mechanically and operatively couple the frame to the second motor. We submit that for this reason alone, Troester does not anticipate or render obvious, the features of independent claim 56.

Applicant respectfully requests that all the 102 rejection be withdrawn based on the above amendments and remarks.

Claim Rejections -35 USC § 103

Independent Claim 53

Claim 53 was rejected under 103 as being unpatentable over Troester (US 6,135,002) in view of Wadge (US 6,263,980). Claim 53 has been amended to recite, "the marking head, carriage, rail and the rotational axis of said first motor, are all in line in said plane." As previously noted in claims 14, Troester does not describe or suggest placing the above components and rotational axis of the first motor in the same plane so as not cause moments about the center of gravity. Additionally, Wadge does not supply the deficiencies of Troester. We submit that for this reason alone, Troester in view of Wadge does not render obvious, the features of independent claim 53.

The Examiner also rejected claims 4-6, 8-11, 20-22, 25-27, 37, 40, 42-44, 46-48, and 52 as being unpatentable over Troester in view of one of either Robertson (US 4,808,018), Curreno (US 6,188,148) or Wadge (US 6,263,980). Robertson was cited as disclosing a marking device having a forward plate that could serve as a detachable window. Curreno was cited as disclosing a marking device having carriage which is slidably moveable on a rail. Wadge was cited as disclosing a clamshell housing. We submit, however, that neither Robertson, Curreno nor

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Wadge disclose the features found to be lacking in the Troester patent as discussed above in conjunction with claims 1, 14, 30, 53, and 56. We submit, therefore, that these dependent claims are patentable for at least the same reasons that independent claims 1, 14, 30, 53, and 56 are patentable.

Applicant's discussion of particular positions of the Examiner does not constitute a concession with respect to any positions that are not expressly contested by the Applicant. Applicant's emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable. Applicant's amendment of the claims does not constitute a concession that the claims are not allowable in their unamended form.